

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

EDWIN PINEDA BARRIENTOS,

Petitioner,

v.

ROSEMARY NDHO, Warden,

Respondent.

No. 2:20-cv-02234-TLN-EFB

ORDER

Petitioner, a state prisoner proceeding pro se, has filed this application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

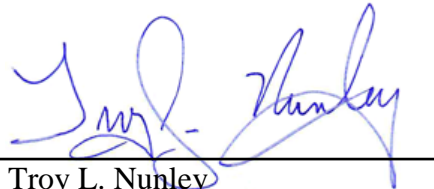
On September 12, 2022, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. (ECF No. 43.) Petitioner and Respondent have each filed objections to the findings and recommendations and Petitioner has filed a response to Respondent's objections. (ECF Nos. 44, 45, 46.)

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the findings and recommendations to be supported by the record and by proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations filed September 12, 2022, (ECF No. 43) are adopted in full;
2. Petitioner's March 18, 2022 Motion to Stay (ECF No. 36) is DENIED;
3. Petitioner's March 21, 2022 Motion for Leave to file an Amended Petition (ECF No. 37) is DENIED as to the first two proposed new claims (IAC I and IAC II), but GRANTED as to Petitioner's proposed new claim PM III+ (that the prosecutor committed misconduct by knowingly presenting false testimony from expert Vickers regarding injuries generally sustained by victims of sexual abuse);
4. This case proceeds on claim PM III+ only; and
5. Respondent shall file a response to claim PM III+ set out in the Amended Petition within 60 days from the date of this Order.

DATED: January 2, 2023



Troy L. Nunley
United States District Judge